



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Rural Development Department

Directorate of Education

Notification

DE/Acad.II(S.E.)/D-5/667/76

In supersession of the notification issued under Order No. DE/CUL/D-2/26/69 dated 12-9-1969 the Revised Rules for the recognition and payment and Grant-in-aid to the Libraries run by private initiative of the Union Territory of Goa, Daman and Diu approved by the Govt. of India in the Ministry of Education and Social Welfare, New Delhi vide letter No. F.48-70/74-UT.I/UT.II dated 10-8-1976 are hereby published for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. Shaiza, Development Commissioner.

Panaji, 5th January, 1977.

Revised Rules for recognition and Grant-in-aid to Libraries

1. (1) *There shall be a net work of libraries.* — (a) Central Library, Taluka or Concelho Library and Village Library.

(b) In each Concelho there shall be a recognised Taluka Library. In addition other libraries may be recognised for the purpose of grant admissible to Taluka Libraries if the Director of Education/Curator of Libraries is convinced of the need for such libraries.

(c) The libraries with 3000 or more books, having library services adequately organised and extending its benefit to the entire Taluka, may be recognised as Taluka Libraries for the purpose of grant. While recognising a library as Taluka Library, adequacy of its staff position and financial resources will also be considered.

(d) Each village having more than 1000 population shall have a library. Where the population is less than 1000, two or more villages can have a library.

(e) The libraries with less than 3000 books and catering for a village or Gram Panchayat shall be recognised as Village Library.

2. *The function of the Central Libraries.* — (a) To maintain the copy-right collection of books published in Goa, Daman and Diu.

(b) To maintain an up-to-date reading room and Library having collection of reference books and books for general readers. Books in English, Hindi, Portuguese, Marathi, Gujarathi, Konkani, French and Sanskrit. A Children's Corner shall also be developed to enable reading habits being acquired in childhood.

(c) To maintain and preserve manuscripts and rare books.

(d) To promote library movement through lectures, seminars, symposiums, discussions, brain trusts, etc.

(e) To conduct classes for training of librarians.

(f) To offer guidance to recognised libraries particularly in regard to cataloguing and bibliographical information.

3. *The functions of the recognised libraries.* — (a) To cultivate reading habits among the citizens.

(b) To maintain an up-to-date reading room and an adequate collection of suitable books on varied subjects including standard and reference books. A children's corner should be developed, as far as possible, to enable reading habits being acquired in childhood.

(c) To co-operate with other libraries in the library Scheme in general and particularly in the matter of exchange of books on loan and bibliographical information.

(d) To participate in library activities calculated to promote the spread of knowledge such as discussion groups, brain trusts, etc.

4. *Management.* — Unless otherwise considered necessary, the management of the Taluka Libraries and Village Libraries shall be in the hands of a Municipality and a Gram Panchayat respectively or a suitable body registered under Societies Registration Act and/or Public Trust Act on conditions hereinafter mentioned and such other conditions as Government may be pleased to lay down from time to time.

5. *Housing of the Library.* — The Library should be housed in a suitable building having proper light-

ing, ventilation and sufficient space for accommodating readers and research students. Adequate arrangements by way of safety precautions against fire, white-ants, pests, etc. should also be made.

6. *Storing of books.*—The management should be required to arrange the books duly classified and catalogued by approved methods to the satisfaction of Government and to arrange to keep them free from dust, pests, etc.

7. *Facilities for the public.*—Books, periodicals etc. shall be made available free to all citizens, without distinction of caste, creed, sex, language, vacation or any of them for reading or reference on the library premises only. This will be without prejudice to the preferential rights or privileges, if any, of the members of the library. The catalogues of all books shall be kept freely accessible to all on the library premises.

8. *Restriction on the use of the libraries premises.*—The Library premises shall not be used or allowed to be used for purpose of any political meeting.

9. *Prohibition of the purchase of certain type of books.*—The following type of books shall not be purchased for use in recognised libraries:—

- (a) Literature considered obscene.
- (b) Notes, guides, keys, etc. published for the use of students which promote superficial reading.
- (c) Horror Comics.
- (d) Cheap detective fiction.
- (e) Books of anti-national character.

Management shall purchase, as far as possible, books recommended by the Director of Education, Curator of Libraries.

A distribution of Books to village Libraries:

Village Libraries will be supplied books periodically by the Curator of Libraries through their mobile units. It will be duty of the Gram Panchayat to make arrangements for the circulation of books to villagers and collect them periodically for being delivered to the Curator for replacement.

10. *Maintaining of records and registers.*—The management shall maintain an accession register of all books purchased or received for the library and subsequently within a reasonable period not exceeding one month prepare separate classified catalogues according to subjects, titles and authors. The catalogues of the copy right collections shall be separate and in the prescribed form.

The accession register is to be maintained in a bound volume while the other catalogues may be in the card or books form, preferably the former maintained in proper cases. The books should be arranged and numbered according to any of the standard systems with the approval of the Director of Education/Curator of Libraries.

Besides the catalogues, the management shall maintain the following registers or books:—

- (a) The usual account books viz: cash books, the journal and the ledger.

(b) Issue Register.

(c) List of members.

(d) Record of daily visitors or readers.

(e) Record of research workers taking advantage of Library.

(f) Dead Stock Register.

(g) Receipt book.

(h) List of newspapers and periodicals.

(i) Register of the permanent and semi permanent assets, acquired wholly or mainly out of Govt. grants.

11. *Submission of return.*—The management shall submit before a prescribed date an audited statement of accounts and the annual report for the previous year and also such other returns as may be required by the Director of Education/Curator of Libraries or any other Officer of the Department.

12. *Inspections.*—The Library shall be subject to inspection with or without previous notice by the Curator, his Assistant or any members of the Library Committee or Board appointed by Govt. or any Officer of the Education Department. The management will be required to make available on the Library premises all records and registers etc. for the perusal and scrutiny of the inspection Officer.

The Curator of Libraries or the Inspecting Officer concerned will be required to submit to the Director of Education inspection report in the prescribed form. The audited accounts of the libraries will be subject to a test audit by Director of Accounts and Accountant General, Maharashtra State who is the Audit Officer for the Union Territory of Goa, Daman and Diu.

13. *Library Staff.*—The management shall, as far as possible employ suitable trained librarians or get the existing staff adequately trained for their work.

14. *Grants.*—(a) For the purpose of grant the Taluka Libraries shall be classified in three following categories:

Category-I: Taluka Libraries with 15000 or more books, at least one person graduate with Diploma or certificate in Library Science on the staff, reference section and children's section separately organised and adequate financial resources i.e. having annual income not less than Rs. 5,000/- from all sources deducting the Govt. grant.

Category-II.—Taluka Libraries with 5,000 or more books, at least one person with S. S. C. and certificate in Library Science on the staff, reading material classified and catalogued as per the system prescribed in Library Science and annual income not less than Rs. 2,000/- from all sources excluding the Govt. grant.

Category-III.—Taluka Libraries with less than 5000 books, reading material properly classified and catalogued and at least one full time clerk on the staff.

The three categories of Taluka Libraries mentioned in (a) will be paid grants at the rate of 75% of the

admissible expenditure incurred during the previous year subject to a maximum of Rs. 10,000 to category I, Rs. 8,000/- to category II and Rs. 5,000/- to category III respectively.

(b) Village Libraries will be paid grants for maintaining reading rooms at the rate of 75 per cent of the admissible expenditure incurred during the previous year subject to a maximum of Rs. 1,000/-.

(c) For new libraries a token grant at the rate of 75 per cent of the estimated expenditure will be admissible in the first year, subject to a maximum of Rs. 10,000/- for Taluka Libraries and Rs. 5,000/- for Village Libraries.

(d) The library associations or organisations will also be paid grant for promotion of library movement and activities such as Library Training Courses, Seminars, Symposium, Group discussion etc. undertaken for improvement and development of Library Services, at the rate of 66⅔ per cent of the annual admissible expenditure incurred during the previous year or deficit whichever is less. The Govt. may, however, in deserving cases sanction an extra grant if it deems fit.

(e) In case of new institution a token grant to the extent of 66⅔ per cent of the estimated expenditure in the first year may be sanctioned subject to a maximum of anticipated deficit.

All grants will be subject to the availability of funds and also submission of certificate by the grantee specifying clearly that the organisation concerned was not/has not been sanctioned grant-in-aid for the same purpose by the Central Government or another department of the Union Territory Government during the period.

(f) Grant will be paid generally in two instalments, the first instalment being paid by 1st July after the report of the previous year's work and general statement of account is received. The second instalment will be paid in the month of October or later only after the audited statement is received and the Curator is satisfied that any orders or instructions issued in the previous year's inspection report are fully complied with.

(g) Government grant shall be further subject to the condition that an amount not less than 75 per cent of the grant shall be sent on:—

- i) purchase of books, newspapers and periodicals and
- ii) binding of books and purchase of furniture essential for the proper use of library.

provided that the expenditure on item (II) does not exceed 7½ of the Government grants.

(h) A proportion of the grant may, at the discretion of Government, be given in the form of books and/or periodicals, which in the opinion of Government deserved to be placed in the libraries.

(NOTE) — Admissible items of expenditure:—

(a) Pay and allowances to the Staff, subject to the maximum that would be permissible according to the corresponding Government scale in the light of the qualifications, services, etc. The Curator may disallow expenditure on such members of the staff who, in his opinion, are in excess of the minimum required for conducting the library efficiently.

(b) Rent, including rate and taxes certified as reasonable by the Executive Engineer and only on

that portion of the building for which no Government grant has been paid. Expenditure on minor repairs only when no rent is charged.

(c) Expenditure on purchase of books, periodicals, newspapers and any other reading or study material.

(d) Expenditure on preparation and printing of catalogues, approved forms, annual reports, statement of accounts.

(e) Expenditure on requisite furniture for storing of books and for reading and for Office purposes and expenditure on repairs on the same but not exceeding 2½ per cent of its total cost.

(f) Reasonable expenditure on account of Insurance premia for books and furniture and also for the building if the rent is not charged.

(g) Reasonable expenditure on contingencies such as Stationery, miscellaneous, postage, electricity, insecticides, etc.

(h) Miscellaneous expenses such as those in connection with organisation of discussion groups, symposium, brain trusts etc.

(i) Expenditure on the training class for libraries.

Withdrawal of recognition or grant-in-aid:—

For failure to comply with the rules or any orders issued by the Curator may or an Officer of the Education Department or for unsatisfactory management of the library or any other defaults Government may hold part or whole of the grant ordinarily payable to the library withdraw the recognition.

15. *Undertaking to be given by Managements.*—Managements will have to give an undertaking that on withdrawal of recognition by Government they are not wishing to continue it as a recognised library, they will hand over the entire material as has been considered as Government property to the Director of Education or his nominee. The management will make good any loss or damage to Government property immediately after the periodical scrutiny by the management or Department or as soon as the loss is detected.

Note:— In the case of district and taluka libraries, Government property means only such of the books and other reading material as be given to the Library on loan or the assets acquired wholly or substantially out of Government grants.

Urban Development Department

Notification

3-32-74-UDD(GEN)

The following draft of Goa, Daman and Diu Municipalities (Competent Authorities to grant Technical Sanction) Rules, 1976 which are proposed to be framed under the Goa, Daman and Diu Municipalities Act, 1968 are hereby published, as required by Sub-Section (3) of Section 306 for general information. Notice is hereby given that the draft rules will be taken into consideration by the Government on expiry of 15 days from the date of publication of this Notification.

2. All objections and suggestions regarding the draft Rules may be sent to the Under Secretary to

the Government of Goa, Daman and Diu in the Urban Development Department, Secretariat, Panaji before the expiry of the said period of 15 days so that they may be taken into consideration at the time of finalisation of the proposed rules.

DRAFT RULES

In exercise of the powers conferred by sub-section (2) of Section 306 read with Section 69 of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Municipalities (Competent Authorities for granting Technical Sanction) Rules, 1976.

(2) They shall come into force at once.

2. *Authorities competent to grant technical sanction.*—The Officer mentioned in column 2 of the schedule appended to these rules shall be competent for giving prior technical sanction for a project or scheme of a Municipal Council involving construction such as a road, bridge, building or drainage scheme costing over Rs. 20,000/- in the case of 'A' & 'B' Class Municipal area and Rs. 10,000/- in the case of a 'C' Class Municipal area, as per the financial power indicated against each Officer in the corresponding entry in column 3 of the said schedule.

SCHEDULE

Sr. No.	Authority empowered to sanction	Financial limits for giving technical sanction
1	2	3
1.	Chief Engineer, Public Works Department, Panaji.	Full powers.
2.	Superintending Engineer, Public Works Department, Panaji.	Upto Rs. 3 lakhs.
3.	Executive Engineer, Public Works Department, Panaji.	Upto Rs. 1 lakh

By order and in the name of the Administrator of Goa, Daman and Diu.

Narendra Prasad, Secretary (Urban Development Department).

Panaji, 5th January, 1977.

Public Health Department

Notification

PHD/2(9)/76-Bills/8482-IV

In exercise of the powers conferred by section 10 of the Goa, Daman and Diu Anatomy Act, 1976 (21 of 1976) the Government of Goa, Daman and Diu hereby makes the following Rules, namely:—

1. *Short title and commencement.*—(1) These Rules may be called the Goa, Daman and Diu Anatomy Rules, 1977.

(2) They shall come into force at once.

2. *Definitions.*—In these Rules unless the context otherwise requires—

(a) "Act" means the Goa, Daman and Diu Anatomy Act, 1976—(21 of 1976);

(b) "Section" means a Section of the Act.

3. *Period within which dead body should be claimed.*—The near relation of the deceased person shall claim the body within two days from the date of the death of the deceased person excluding the day on which the death takes place:

Provided that, if in the opinion of the authority incharge of the hospital or prison, there are good and sufficient reasons for believing that the dead body is likely to be claimed by a near relative of the deceased person, the said authority may keep the dead body in its possession for a further period of two days.

4. *Disposal of dead body.*—(1) If the approved Institution does not require the dead body for the Anatomical Examination and dissection, the authorised Officer of the place shall dispose off the body by cremation or burial as the case may be.

(2) Where an unclaimed body is handed over to the authority in-charge of the approved Institution under section 4 of the Act for the purpose of conducting Anatomical Examination and dissection, the Authority incharge of the Institution shall, after use of the body for the said purpose, arrange to dispose off the body or its remnants as it deems fit.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary (Health).

Panaji, 14th January, 1977.

Finance Department (Revenue)

Notification

Fin(Rev)/2-9/Gen/2/part-II/74

In exercise of the powers conferred by the first proviso to sub-section (1) of Section 7 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964), the Government of Goa, Daman and Diu is hereby pleased to amend the Third schedule appended to the said Act, as follows, namely:—

In the Third schedule appended to the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) for the existing entry No. 12 the following entry shall be substituted, namely:—

"12. Crude Oil—With the same meaning as is assigned to it by clause (iic) of Section 14 of the Central Sales Tax Act, 1956 as amended from time to time."

By order and in the name of the Administrator of Goa, Daman and Diu.

S. S. Sukthankar, Under Secretary (Finance).

Panaji, 13th January, 1977.

Law and Judiciary Department

Notification

LD/100/77

The following ordinance which was promulgated by the President of India on 31-12-76 is hereby republished for general information of the public.

K. C. D. Gangwani, Law Secretary.

Panaji, 10th January, 1977.

THE CALTEX [ACQUISITION OF SHARES OF CALTEX OIL REFINING (INDIA) LIMITED AND OF THE UNDERTAKINGS IN INDIA OF CALTEX (INDIA) LIMITED] ORDINANCE, 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

An Ordinance to provide, in the public interest, for the acquisition of the shares of Caltex Oil Refining (India) Limited and for the acquisition and transfer of the right, title and interest of Caltex (India) Limited in relation to its undertakings in India and thereby to secure that the ownership and control of the petroleum products produced by the Caltex Oil Refining (India) Limited, and marketed and distributed by the said undertakings, in India, are so distributed as best to subserve the common good.

Whereas the Caltex Petroleum Corporation (a foreign company) has at present the ownership of, and control over, a significant portion of the petroleum products produced, marketed and distributed in India by reason of the fact that one of its subsidiaries, namely, the Caltex Oil Refining (India) Limited (an Indian company), is carrying on the business of refining crude oil and producing petroleum products in India and another of its subsidiaries, namely, the Caltex (India) Limited (a foreign company), is carrying on through its undertakings in India the business of marketing and distributing petroleum products;

And whereas it is expedient in the public interest that the shares of the said Caltex Oil Refining (India) Limited and the undertakings in India of the said Caltex (India) Limited should be acquired;

And Whereas such acquisition is for giving effect to the policy of the State towards securing the principle specified in clause (b) of article 39 of the Constitution as the ownership and control of the material resources of the community, to wit the petroleum products produced by the said Caltex Oil Refining (India) Limited and marketed and distributed by the undertakings of the said Caltex (India) Limited, in India, would by reason of such acquisition become vested in the State and thereby so distributed as best to subserve the common good;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Ordinance may be called the Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Ordinance, 1976.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Ordinance comes into force;

(b) “Caltex (India)” means the Caltex (India) Limited, a foreign company within the meaning of section 591 of the Companies Act, 1956, incorporated in Bahamas Islands and having its registered office in the City of Nassau in the Island of New Providence; 1 of 1956.

(c) “Caltex Oil Refining” means the Caltex Oil Refining (India) Limited, being a company as defined in the Companies Act, 1956, and having its registered office at Shoorji Vallabhdas Marg, Bombay; 1 of 1956.

(d) “Caltex Petroleum” means the Caltex Petroleum Corporation, a company incorporated in the State of Delaware in the United States of America and having its principal business office at 380, Madison Avenue, New York, United States of America;

(e) “Government company” means a company as defined in section 617 of the Companies Act, 1956; 1 of 1956.

(f) “notification” means a notification published in the Official Gazette;

(g) “prescribed” means prescribed by rules made under this Ordinance.

CHAPTER II

Acquisition of the shares of Caltex Oil Refining

3. *Transfer and vesting of shares of Caltex Oil Refining in the Central Government.*—(1) On the appointed day, all the shares in the capital of Caltex Oil Refining shall, by virtue of this Ordinance, stand transferred to, and vested in, the Central Government.

(2) All the shares which have vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them.

(3) Any dividend payable by Caltex Oil Refining in respect of any period beginning from the 1st day of January, 1976, shall be payable to the Central Government.

4. *Management of Caltex Oil Refining.*—(1) For the purpose of enabling Caltex Oil Refining to function as a Government company, the Central Government may, by notification, make such amendments in the memorandum and articles of association of that company and such other provisions as it may consider necessary.

(2) Any amendments in the memorandum and articles of association of Caltex Oil Refining and any other provisions made under sub-section (1) shall have effect notwithstanding anything contained in the Companies Act, 1956.

1 of 1956.

CHAPTER III

Acquisition of the undertakings of Caltex (India) in India

5. *Transfer and vesting in the Central Government of the undertakings of Caltex (India) in India.* — On the appointed day, the right, title and interest of Caltex (India) in relation to its undertakings in India shall, by virtue of this Ordinance, stand transferred to, and shall vest in, the Central Government.

6. *General effect of vesting.* — (1) The undertakings of Caltex (India) referred to in section 5 shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, book debts, investments and all other rights and interests in, or arising out of, such property as were, immediately before the appointed day, in the ownership, possession, power or control of Caltex (India), in relation to its undertakings in India, and all books of account, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities (including the liability for the payment of any pension and other pensionary benefits to the persons employed in relation to its undertakings in India) and obligations of whatever kind then subsisting of Caltex (India) in relation to its undertakings in India:

Provided that remittances outside India of any money for the payment of pension or other pensionary benefits shall be subject to the rules and regulations for the time being in force in relation to such remittances.

(2) The profits earned by Caltex (India) in relation to its undertakings in India from the 1st day of January, 1976 shall be payable to the Central Government.

(3) Unless otherwise expressly provided by this Ordinance, all deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature in relation to the undertakings of Caltex (India) in India subsisting or having effect immediately before the appointed day, and to which Caltex (India) is a party or which are in favour of Caltex (India) shall be of as full force and effect against or in favour of the Central Government and may be enforced or acted as fully and effectually as if in the place of Caltex (India), the Central Government had been a party thereto or as if they had been issued in favour of the Central Government.

(4) If on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to the undertakings of Caltex (India) in India, which have been transferred to and vested in the Central Government under section 5, is pending by or against Caltex (India), the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of Caltex (India) in India or of anything contained in this Ordinance but the suit, appeal or other proceeding

may be continued, prosecuted and enforced by or against the Central Government.

7. *Special provisions as to certain rights and interests held by Caltex (India) before the appointed day.* — (1) Every right or interest in respect of any property in India (including a right under any lease or under any right of tenancy or any right under any arrangement to secure any premises for any purpose) which Caltex (India) held immediately before the appointed day, shall, notwithstanding anything contained in any other law or in any agreement or instrument relating to such right or interest, vest in, and be held by, the Central Government on and after the appointed day on the same terms and conditions on which Caltex (India) would have held it, if no negotiations had taken place for the acquisition by the Central Government of the undertakings of Caltex (India) in India or, as the case may be, if this Ordinance had not been promulgated.

(2) If at any time after the 2nd day of February, 1974 (being the date on which the Central Government's policy for acquiring undertakings engaged in the production, marketing or distribution of petroleum products was made known) and before the commencement of this Ordinance, Caltex (India) surrendered or otherwise relinquished any right or interest in respect of any property in India (including a right under any lease or under any right of tenancy or a right under any arrangement to secure any premises for any purpose), then, for the purposes of this Ordinance, notwithstanding anything contained in any other law or in any agreement or instrument relating to such right or interest, the Central Government shall, on and after the appointed day, be entitled to such right or interest on the same terms and conditions on which Caltex (India) would have been entitled to such right or interest if it had not surrendered or otherwise relinquished such right or interest and this Ordinance had not been promulgated.

Provided that nothing in this sub-section shall apply to any right or interest surrendered or otherwise relinquished by Caltex (India) before the commencement of this Ordinance for sufficient monetary consideration.

(3) On the expiry of the term of any lease, tenancy or arrangement referred to in sub-section (1) or sub-section (2), such lease or tenancy or arrangement shall, if so desired by the Central Government, be renewed or continued so far as may be, on the same terms and conditions on which the lease or tenancy or arrangement was originally granted or entered into.

8. *Removal of doubts.* — (1) For the removal of doubts, it is hereby declared that the provisions of sections 5, 6 and 7 shall apply to the extent to which any property appertains to the business carried on by Caltex (India) in India; and to the rights and powers acquired, and to debts, liabilities and obligations incurred, and to contracts, agreements and other instruments made, by Caltex (India) in India, and to legal proceedings relating to those matters pending in any court or tribunal in India.

(2) If any question arises as to whether any property appertained, immediately before the appointed day, to any business of Caltex (India) in India, or whether any rights, powers, debts, liabilities or

obligations were acquired or incurred or any contract, agreement or other instrument was made by Caltex (India) for the purposes of its business in India, or whether any documents relate to those purposes, or whether the provisions of section 7 apply in relation to any property, the question shall be referred to the Central Government which shall, after giving an opportunity of being heard to the persons interested in the matter, decide it in such manner as it may think fit.

9. *Power of Central Government to direct vesting of the undertakings of Caltex (India) in a Government company.*—(1) Notwithstanding anything contained in sections 5, 6 and 7, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct by notification, that the right, title and interest and the liabilities of Caltex (India) in relation to any of its undertakings in India shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) When the right, title and interest and the liabilities of Caltex (India) in relation to its undertakings in India vest in a Government company under sub-section (1), all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

(3) The provisions of sections 5, 6 and 7 shall, so far as may be, apply in relation to such Government company as they apply in relation to the Central Government and for this purpose references therein to the "Central Government" shall be construed as references to such Government company.

CHAPTER IV

Payment of amount

10. *Payment of amount to Caltex Petroleum and Caltex (India).*—(1) For the transfer to and vesting in the Central Government under section 3 of the shares of Caltex Oil Refining and for the transfer to and vesting in the Central Government under section 5 of the right, title and interest of Caltex (India) in relation to its undertakings in India, there shall be paid by the Central Government an aggregate amount of rupees thirteen crores to Caltex Petroleum and Caltex (India) in the proportion agreed to by them.

(2) The amount specified in sub-section (1) shall carry interest free of income-tax at the rate of eight per cent. per annum from the 1st day of January, 1977, till the date of payment in the manner specified in the Schedule.

(3) The amounts payable under sub-sections (1) and (2) shall be payable in instalments in accordance with the provisions of the Schedule.

(4) In addition to the amounts mentioned in sub-section (1) and (2), the Central Government shall pay to Caltex Petroleum or Caltex (India), as the case may be, such amount in Indian currency as may be required by the said companies to pay

towards all taxes in India on the amounts payable under the said sub-sections and all other taxes in India the liability for the payment of which arises directly on the transfer to and vesting in the Central Government of the shares of Caltex Oil Refining and of the undertakings of Caltex (India) in India.

CHAPTER V

Provisions relating to employees

11. *Transfer of service of existing employees of Caltex (India), etc.*—(1) Every whole-time officer or other employee of Caltex (India) who was, immediately before the appointed day, employed by Caltex (India) in connection with its undertakings in India, and every whole-time officer or other employee of Caltex (India) who was, immediately before the appointed day, temporarily holding any assignment outside India shall, on the appointed day, become an officer or other employee, as the case may be, of the Central Government or the Government company (hereinafter referred to as the successor Government company) in which the right, title and interest of Caltex (India) in relation to its undertakings in India have vested under this Ordinance and shall hold office or service under the Central Government or the successor Government company, as the case may be, on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the successor Government company is duly terminated or until his remuneration and conditions of service are duly altered by the Central Government or the successor Government company.

(2) Subject to rules made in this behalf under section 23, every whole-time officer or other employee of Caltex Oil Refining who was, immediately before the appointed day, employed by Caltex Oil Refining in India, and every whole-time officer or other employee of Caltex Oil Refining who was, immediately before the appointed day, temporarily holding any assignment outside India shall, on and from that day, continue to be an officer or other employee of Caltex Oil Refining on the same terms and conditions and with the same rights to pension, gratuity and other matters as are admissible to him immediately before that day and shall continue to hold such office unless and until his employment under the Caltex Oil Refining is duly terminated or until his remuneration and conditions of service are duly altered by that company.

(3) If any question arises as to whether any person was a whole-time officer or other employee of Caltex (India), or as to whether any officer or other employee was employed wholly or mainly in connection with the undertakings of Caltex (India) in India immediately before the appointed day, or whether any whole-time officer or other employee of Caltex (India) was temporarily holding any assignment outside India, the question shall be referred, within a period of two years from the appointed day, to the Central Government which shall, after giving an opportunity of being heard to the person concerned in the matter, decide it in such manner as it thinks fit and such decision shall be final.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947, the Payment of Gratuity Act, 1972, in any other law for the time being in force, the transfer of the services of any officer or other employee under sub-section (1) shall not entitle any such officer or other employee to any compensation or gratuity under those Acts or such other law, and no such claim shall be entertained by any court, tribunal or other authority.

14 of 1947.
32 of 1972.

12. Provident, superannuation, welfare fund, etc.—

(1) Where a provident, superannuation, welfare or other fund has been established by Caltex (India) for the benefit of the persons employed by it in connection with its undertakings in India, the moneys relatable to the employees—

(i) whose services are transferred by or under this Ordinance to the Central Government or the successor Government company, or

(ii) who are in receipt of pension or other pensionary benefits immediately before the appointed day,

shall, out of the moneys standing, on the day, to the credit of such provident, superannuation, welfare or other fund stand transferred to, and vested in, the Central Government or the successor Government company, as the case may be, free from any trust that may have been constituted by Caltex (India) in respect thereof.

(2) The moneys which stand transferred, under sub-section (1), to the Central Government or the successor Government company shall be dealt with by the Central Government or that company, as the case may be, in such manner as may be prescribed.

(3) The successor Government company shall, as soon as may be after the undertaking of Caltex (India) in India become vested in it, constitute, in respect of the moneys and other assets which are transferred to, and vested in, it under this section, one or more trusts having objects as similar to the objects of the existing trusts, as in the circumstances may be practicable, so, however, that the rights and interests of the beneficiaries of the trust referred to in sub-section (1) are not, in any way, prejudiced or diminished.

(4) Where all the moneys and other assets belonging to an existing trust are transferred to, and vested in, the Central Government or the successor Government company under this section, the trustees of such trust shall, as from the date of such vesting, stand discharged from the trust except as respects things done or omitted to be done before the date of such vesting.

CHAPTER VI

Miscellaneous

13. Effect of Ordinance on other laws.— The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Ordinance or in any decree or order of any court, tribunal or other authority.

14. Duty to deliver possession of properties, etc.—

(1) Where any property, appertaining to any undertaking of Caltex (India) in India has been transferred to, and vested in, the Central Government or the successor Government company under this Ordinance,—

(a) every person in whose possession, custody or control any such property may be, shall, on a demand by the Central Government or the successor Government company, as the case may be, deliver the property to the Central Government or the successor Government company, as the case may be, forthwith;

(b) any person who, immediately before such vesting, has in his possession, custody or control any books, documents or other papers relating to the undertakings of Caltex (India) in India, shall be liable to account for the said books, documents and papers to the Central Government or the successor Government company, as the case may be, and shall deliver them up to the Central Government or that company or to such person as the Central Government or that company may authorise in this behalf.

(2) Without prejudice to the other provision contained in this section, it shall be lawful for the Central Government or the successor Government company to take all necessary steps for taking possession of all properties, which have been transferred to, and vested in, it under this Ordinance.

15. Contracts to continue unless terminated by Central Government.—

(1) Every contract entered into by Caltex (India) for any service, sale or supply in India, and in force immediately before the appointed day, shall, unless terminated under sub-section (2), within a period of two years from the appointed day, continue to be of full force and effect against or in favour of the Central Government or, as the case may be, the successor Government company in which the undertakings of Caltex (India) in India have vested under this Ordinance.

(2) The Central Government may, if it is satisfied that any contract referred to in sub-section (1) is unduly onerous or has been entered into in bad faith or is detrimental to the interests of that Government or the successor Government company, as the case may be, by order in writing, either terminate such contract or make such alterations or modifications therein as it may think fit:

Provided that the Central Government shall not terminate any contract or make any alteration or modification therein except after giving to the parties to the contract, a reasonable opportunity of being heard and except after recording in writing, its reasons for such termination, alteration or modification, as the case may be.

16. Use of designs, trade marks, etc., belonging to Caltex Petroleum or Caltex (India).— Nothing in this Ordinance shall be construed to entitle Caltex Oil Refining or the Central Government or the successor Government company to use—

(a) any designs, trade marks, trade names (including the name Caltex or any part thereof), styles of labelling, belonging to Caltex Petroleum

or Caltex (India), after the expiry of a period of twelve months from the appointed day; and

(b) any station decor (including distinctive colour schemes) belonging to Caltex Petroleum or Caltex (India), after the expiry of a period of twenty-four months from the appointed day.

17. Penalties.— Any person who,—

(a) having in his possession, custody or control any property forming part of any undertaking of Caltex (India) in India wrongfully withholds such property from the Central Government or the successor Government company; or

(b) wrongfully obtains possession of or retains any property forming part of any undertaking of Caltex (India) in India; or

(c) wilfully withholds or fails to furnish to the Central Government or the successor Government company or any person specified by the Central Government or that company, any books, documents or other papers relating to any undertaking of Caltex (India) in India which may be in his possession, custody or control; or

(d) fails to deliver to the Central Government or the successor Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to any undertaking of Caltex (India) in India; or

(e) wrongfully removes or destroys any property forming part of any undertaking of Caltex (India) in India; or

(f) wrongfully uses any property forming part of any undertaking of Caltex (India) in India,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

18. Offences by companies.—(1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

19. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against the Central Government or the successor Government company or any of its officers or other employees for anything which is in good faith done or intended to be done under this Ordinance.

20. Cognizance of offences.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence against this Ordinance except on a complaint, in writing, made by the Central Government or any officer authorised in this behalf by that Government. 2 of 1974.

21. Indemnity.— Every officer of the Central Government and every officer or other employee of the successor Government company shall be indemnified by the Central Government or the successor Government company, as the case may be, against all losses and expenses incurred by him in, or in relation to, the discharge of his duties under this Ordinance except such as have been caused by his own wilful act or default.

22. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order, not inconsistent with the provision of this Ordinance, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

23. Power to make rules.— (1) The Central Government may, by notification, make rules to carry out the provisions of this Ordinance.

(2) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 10]

1. The amount specified in sub-section (1) of section 10 shall be deemed to correspond to fourteen million, five hundred and sixty thousand dollars (hereinafter in this Schedule referred to as the principal amount):

2. The amount referred to in the foregoing paragraph and the interest due thereon shall be paid in instalments in accordance with the provisions of the Table below, namely:—

Date of payment	Instalments in dollars		
	Principal amount	Interest	Total
(i) 31-3-1977	10,080,000	—	10,080,000
(ii) 31-3-1978	1,120,000	642,419	1,762,419
(iii) 31-3-1979	1,120,000	268,800	1,388,800
(iv) 31-3-1980	1,120,000	179,200	1,299,200
(v) 31-3-1981	1,120,000	89,600	1,209,600

Explanation.—In this Schedule "dollar" means the unit of currency in the United States of America.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Notification

LD/99/77

The following ordinance which was promulgated by the President of India on 31-12-76 is hereby republished for general information of the public.

K. C. D. Gangwani, Law Secretary.

Panaji, 10th January, 1977.

THE FOOD CORPORATIONS (AMENDMENT) ORDINANCE, 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

An Ordinance further to amend the Food Corporations Act, 1964.

Whereas both Houses of Parliament are not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Food Corporations (Amendment) Ordinance, 1976.

(2) It shall come into force at once.

2. *Act 37 of 1964 to be temporarily amended.*—During the period of operation of this Ordinance, the Food Corporations Act, 1964, shall have effect subject to the amendments specified in section 3.

3. *Amendment of section 12A.*—In section 12A of the Food Corporations Act, 1964—

(i) in sub-section (3), for the words, brackets and figures "subject to the provisions of sub-sections (4), (5) and (6)", the words, brackets, figures and letters "subject to the provisions of sub-sections (4), (4A), (4B), (4C), (5) and (6)" shall be substituted;

(ii) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(4A) Notwithstanding anything contained in sub-section (4),—

(a) every officer or other employee in respect of whom an order of transfer under sub-section (1) had been made before the date of commencement of the Food Corporations (Amendment) Ordinance, 1976 (hereafter in this section referred to as the appointed day) shall, whether or not he had exercised the option under sub-section (4) before the appointed day, exercise such option within six months from the appointed day; and

(b) every officer or other employee in respect of whom an order of transfer under sub-section (1) may be made after the appointed day shall, within six months from the date of such order, exercise his option under sub-section (4),

and in each such case such option once exercised shall be final:

Provided that where an officer or other employee having exercised an option under sub-section (4) before the appointed day—

(i) has died or retired before the appointed day, or dies or retires after the appointed day before exercising the option as required by this sub-section, or

(ii) does not exercise the option as required by this sub-section,

the option already exercised by him shall be deemed to have been validly exercised by him under sub-section (4).

(4B) Where an officer or other employee—

(a) has died or retired, or dies or retires, after an order of transfer under sub-section (1) in respect of such officer or other employee is made but before exercising the option under sub-section (4) or, as the case may be, as required by sub-section (4A); or

(b) has died or retired, or dies or retires, before an order of transfer under sub-section (1) in respect of such officer or other employee is made,

he shall, notwithstanding anything contained in sub-section (4) or sub-section (4A),—

(i) in a case falling under clause (a), be deemed to have exercised an option under sub-section (4); and

(ii) in a case falling under clause (b), be deemed to have been transferred under sub-section (1) and exercised an option under sub-section (4);

to be governed by the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Central Government in accordance with the rules and orders of the Central Government as amended from time to time:

Provided that nothing in clause (a) of this sub-section shall apply to an officer or other employee who has, before the appointed day, been paid the terminal benefits as admissible to the employees of the Corporation under the regulations made by the Corporation under this Act, unless such officer or other employee,

refunds in a lump sum within six months from the appointed day the amount of contributions made by the Corporation towards such terminal benefits:

Provided further that nothing in clause (b) of this sub-section shall apply to an officer or other employee who has intimated, under the proviso to sub-section (1), his intention of not becoming an employee of the Corporation.

(4C) Where an officer or other employee has exercised an option under sub-section (4), or exercises, or is deemed to have exercised, an option under that sub-section, read with sub-section (4A) or sub-section (4B), to be governed by the leave, provident fund, retirement or other terminal benefits admissible to employees of the Central Government, such benefits shall be calculated on the basis of the pay and allowances drawn by him in the Corporation."

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM
Secy. to the Govt. of India.

Notification

LD/1463/76

The following Notification received from the Government of India, Ministry of Health and Family Planning New Delhi, is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 20th August, 1976.

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

New Delhi, the 31st March, 1976

Notification

G. S. R. — In exercise of the powers conferred by section 21 of the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 (49 of 1975), Central Government hereby makes the following rules, namely:—

1. *Short title, extent and commencement.* — These rules may be called the Cigarettes (Regulation of Production, Supply and Distribution) Rules, 1976.

(2) They shall come into force on the 1st April, 1976.

2. *Definition.* — In these rules, unless the context otherwise requires, —

(1) "Act" means the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 (49 of 1975);

(2) "Police officer" means a police officer not below the rank of a sub-inspector of police;

(3) "Form" means a form set out in the Appendix to these rules;

(4) "section" means a section of the Act.

3. *Seizure of package of cigarettes.* — (1) Every seizure made in pursuance of the provisions of sub-section (1) of section 9 shall be made in the manner hereinafter provided in these rules.

(2) The police officer may carry or keep the package so seized in the safe custody of the person from whom it was seized if it is not possible to carry the seized package:

Provided that in the event of his keeping the package so seized in the safe custody of the person from whom it was seized, he shall carry one or more packages as sample to be dealt with as hereinafter provided:

Provided further that in respect of the package that the police officer keeps in the custody of the person from whom the package was seized, he shall require him to execute a bond in Form C for a sum of money nearly equal to the value of such articles with two sureties for the like amount.

(3) A police officer seizing a package of cigarettes under sub-section (1) of section 9, shall prepare a seizure list of such package in Form A and shall seal such package in the manner provided in rule 4.

(4) The package of cigarettes seized shall be marked with a distinguishing number and shall also be signed by the police officer, the person from whom the package has been seized, and two respectable inhabitants of the locality.

(5) The package so seized or one or more samples thereof taken under sub-rule (2), and a copy of the seizure list shall be forwarded for safe custody to the officer in charge of the police station within the local limits of whose jurisdiction the seizure was made, for taking further action for the contravention of the provisions of the Act:

Provided that where the police officer is of opinion that the retention in his custody of the seized package of cigarettes for a period exceeding ninety days is necessary, he shall obtain the leave of the District Judge within the local limits of whose jurisdiction the seizure was made, for such retention.

4. *Manner of package and sealing the package of cigarettes seized.* — (1) The package of cigarettes so seized shall be completely wrapped in fairly strong thick (Manilla) paper in such a way that the contents of the package may not be tampered with and the ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.

(2) The paper cover shall be further secured by means of strong twine or thread and the twine or thread shall be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the police officer of which one shall be on the top of the package, one at the bottom and the other two at the body of the package and knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the police officer.

5. *Forms of order not to dispose of stock and of fund.* — Where the police officer keeps a package of

cigarettes seized under sub-section (1) of section 9 with the person from whom it is seized, he shall, after sealing such package of cigarettes, make an order to the person from whom it is seized in Form B and the person shall comply with such order.

6. *Duties of Police Officer.* — It shall be the duty of Police Officer:—

(1) to inspect as frequently as may be required all establishments licensed for the manufacture, storage or sale of cigarettes within the local limits of his jurisdiction;

(2) to satisfy himself that the provisions of the Act are being observed;

(3) to investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or of these rules;

(4) to maintain a record of all inspections made and action taken by him in the performance of his duties, including the seizure of stock and to submit copies of such record to the officer in charge of the police station within the local limits of whose jurisdiction such action was taken or, as the case may be seizure was made;

(5) to make such inquiries and inspections as may be necessary to detect the production, storage or distribution of cigarettes in contravention of the provisions of Act or of these rules;

(6) to stop any vehicle suspected to carry cigarettes for sale or delivery for smoking in contravention of the provisions of the Act or of these rules;

(7) to perform such other duties as may be entrusted to him under these rules.

7. *Refund of penalty/fine.* — (1) Where, by reason of an order or decision of the appellate or revisional court, any refund of any penalty or fine imposed under this Act becomes necessary, the appellant or applicant for revision, as the case may be, may claim for refund in Form D and every such claim shall be accompanied by a certified copy of the decision or order of the appellate or revisional court, as the case may be.

(2) The claim for refund shall be preferred within a period not exceeding ninety days from the date of the decision or order of the appellate or revisional court, as the case may be.

Provided that in computing the said period of ninety days, the time required for obtaining a certified copy of the decision or order of the court shall be excluded.

(3) The claim shall be presented by the claimant in person or through a duly authorised agent or by post, to the local Treasury Officer.

(4) The Treasury Officer shall, if he is satisfied about the claimant's right to get the refund, make the payment to the claimant or to a person duly authorised by him or by post, and obtain necessary receipt of payment.

Sd/-

SHARAVAN KUMAR

Joint Secretary to the Govt. of India

THE APPENDIX IX

FORM A

(See rule 3(3))

To

(Name and address of the person from whom packages of cigarettes are seized.)

The stock of cigarettes detailed below has this day been seized by me under sub-section (i) of section 9 of the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975, (49 of 1975), from the premises ... situated at ...

Details of packets of cigarettes seized:

(Police Officer)

Area ...

Place ...

FORM B

(See rule 5(1))

To

(Name and address of the vender)

Whereas packages of cigarettes intended for supply and distribution which are in your possession appear to me to be without the specified warning as defined in the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975, (49 of 1975), I hereby direct you to keep in your safe custody the said sealed stock subject to such orders as may be issued subsequently in relation thereto.

(Police Officer)

Area ...

Form C (See rule 3(2))

BOND OF SURETY

KNOW ALL MEN BY THESE PRESENTS THAT WE (1) ... son of ... resident of ... and (2) ... son of ... resident of ... Proprietors/partners/ of M/S ... and M/s. ... Ltd., a company recognised under the Companies Act, 1956 having its registered office at ... (hereinafter called the producer/supplier/distributor/trader/importers and (3) ... son of ... resident of ... and (4) ... son of ... resident of ... hereinafter called the surety/sureties are held and firmly bound unto the President of India/Governor of ... (hereinafter called the Government) in the sum of Rs. ... (Rupees ...) to be paid to the Government on demand and without demur for which payment to be well and truly made we firmly bind ourselves and our successors/heirs/administrators jointly and severally by these presents.

Dated this ... day of ... One thousand nine hundred and ...

Whereas Shri ..., Police Officer attached to police Station ... has seized ... (here insert the description of materials together with number/quantity and total price hereinafter referred to as said article of)-from ... at ... (specify persons and place).

And whereas on the request of the producer/ supplier/ distributor/trader/importer (s) the Government agreed to keep the said attached articles in the safe custody of ... on the condition of producer/supplier/distributor/trader/importer (s) executing a bond in the terms herein contained supported by surety/two sureties which the producer/supplier/distributor/ /trader/importer (s) has/have agreed to do.

NOW THE CONDITION OF THE ABOVE WRITTEN BOND OR OBLIGATION is such that if the producer/supplier/distributor/trader/importer (s) produce intact the said attached articles before such court or authority and on such

date or dates and times as may be specified by the said Police Officer or any other officer acting on his behalf from time to time and till such Police Officer or any other officer acting on his behalf releases the producer/supplier/distributor/trader/importer (s) from doing so or the attached articles are released by court, then and in such event the said bond shall be void and of no effect otherwise the same shall be and remain in full force and virtue.

And it is hereby expressly agreed by and between the parties that the decision of the said Police Officer or any other officer acting on his behalf as to whether the producer/supplier/distributor/trader/importer (s) has/have carried out or failed to carry out the aforesaid obligation shall be final and binding on the producer/supplier/distributor/trader/importer (s) and the sureties.

THESE PRESENTS FURTHER WITNESS AS FOLLOWS:—

(i) The liability of the surety/sureties hereunder shall not be impaired or discharged by reason of any time being granted by or any forbearance, act or omission of the Government whether with or without the knowledge or consent of the sureties or either of them in respect of or in relation to all or any of the obligations or conditions to be performed or discharged by the producer/supplier/distributor/trader/importer (s) nor shall it be necessary for the Government to sue the producer/supplier/distributor/trader/importer (s) before suing the sureties or either of them for the amount due hereunder.

(ii) This bond is given under the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 (49 of 1975).

for the performance of an act in which the public are interested.

(iii) The Government shall bear the stamp duty payable on these presents.

IN WITNESS WHEREOF THESE PRESENTS have been signed by the producer/supplier/distributor/trader/importer (s) and the surety/sureties the day herein above mentioned.

WITNESS

1. Signature

Name and Address.

Signature of
producer/supplier/distributor/
trader/importer(s).

2. Signature ...

Name and address.

Signature of
Surety/sureties.

Accepted

For and on behalf of the President of India/Governor ...

Signature

(Name and Designation)

* Delete words inapplicable.

FORM D

(See rule 7(2))

District of ...

APPENDIX

Head of Account ... REFUND OF REVENUE
Deduct — REFUNDS (Name of Revenue Head)

In whose name credited	On what account received	Amount released	Date of payment into Treasury	Amount in which included and head to which credited	Treasury Officer's signature in token of Verification of Treasury credit	Name of Payee	Amount to be refunded
1	2	3	4	5	6	7	8

(1) Certified that this order of refund has been registered and noted against the original receipt entry in the account under my initials and previous order for refund of the same sum has not been issued.

(2) Passed for payment under sanction given in ...

(3) Sanctioned and passed for payment.

Note: — (2) or (3) to be struck out as required.

Received payment

Claimant's signature

Date ...

Examined

Treasury Accountant

Magistrate or other officer

Pay Rupees ... () only

Treasury Officer.

In cases where refunds of fines are permitted to be made direct from treasuries or sub-treasuries other than those at which they were credited, the entry in column 5 should include the name of the Treasury or sub-treasury in which the amount was credited and column 6 should be filled up by the Treasury Officer of the district (not sub) Treasury.

(For use in Accountant General's Office)

Admitted

Objected

Auditor ...

Superintendent

Notification

LD/127/77

The following Notification received from the Government of India, Ministry of Law, Justice and Com-

pany Affairs, New Delhi, is hereby republished for general information of the public.

K. C. D. Gangwani, Law Secretary.

Panaji, 10th January, 1977.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

Notification

New Delhi, the 14th December 1976

S. O. 795(E).—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. *Short title.*—These rules may be called the Conduct of Election (Second Amendment) Rules, 1976.

2. *Amendment to Rule 73.*—In rule 73 of the Conduct of Elections Rules, 1961, for clause (e) of sub-

-rule (2), the following shall be substituted, namely:—

“(e) there is any figure marked otherwise than with the article supplied for the purpose: .

Provided that this clause shall not apply to a postal ballot paper:

Provided further that where the returning officer is satisfied that any such defect as is mentioned in this clause has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected, merely on the ground of such defect.”

[No. F. 7(3)/76-Leg.II]

E. VENKATESWARAN. Jt. Secy.